

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JESSICA GARCIA, *individually and on behalf
of others similarly situated,*

Plaintiff,

-against-

LA GRAN COLOMBIA BAKERY INC.
(D/B/A LA NUEVA COLOMBIA), LA GRAN
COLOMBIA BAKERY & PIZZERIA, INC.
(D/B/A LA NUEVA COLOMBIA), NADIA
ALMADA and ALEX CASTRO,

Defendants.

Case No. 21-cv-2714

**AFFIRMATION OF MICHAEL
FAILLACE IN SUPPORT OF
REQUEST FOR CERTIFICATE OF
DEFAULT**

MICHAEL FAILLACE, an attorney duly admitted to practice law before this Court,
hereby declares under the penalty of perjury:

1. I am counsel for Plaintiff in this matter, and I am fully familiar with the facts herein.
I submit this declaration in support of plaintiff's request for entry of default.

2. This action was commenced on May 14, 2021, by the filing of the Complaint (D.E.
1), pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 *et seq.* ("FLSA"), and for
violations of the N.Y. Labor Law §§ 190 *et seq.* and 650 *et seq.* (the "NYLL"), including applicable
liquidated damages, interest, attorneys' fees and costs.

3. A First Amended Complaint was filed in this action on May 27, 2021.

4. The time for defendants La Gran Colombia Bakery Inc. (d/b/a La Nueva
Colombia), La Gran Colombia Bakery & Pizzeria Inc. (d/b/a La Nueva Colombia), Alex Castro,
and Nadia Almada to answer or otherwise move with respect to the Amended Complaint herein
has expired.

5. Defendants La Gran Colombia Bakery Inc. (d/b/a La Nueva Colombia), La Gran Colombia Bakery & Pizzeria Inc. (d/b/a La Nueva Colombia), Alex Castro, and Nadia Almada to answer or otherwise move has not been extended.

6. Defendants Nadia Almada and Alex Castro are not presently in the military service of the United States as appears from facts in this litigation.

7. WHEREFORE, Plaintiff requests that the default of Defendants La Gran Colombia Bakery Inc. (d/b/a La Nueva Colombia), La Gran Colombia Bakery & Pizzeria Inc. (d/b/a La Nueva Colombia), Alex Castro, and Nadia Almada, be noted and certificates of default issued.

8. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to plaintiff, and that no part thereof has been paid.

Executed on: August 30, 2021

/s/ Michael Faillace
Michael Faillace, Esq.
MICHAEL FAILLACE & ASSOCIATES, P.C.
One Grand Central Place
60 East 42nd Street, Suite 4510
New York, New York 10165
Tel: (212) 317-1200
Fax: (212) 317-1620
Email: Michael@faillacelaw.com